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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,132	09/25/2001	K. Douglas Gennetten	10010027-1	9991

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HEWLETT-PACKARD COMPANY
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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,132

Applicant(s)

GENNETTEN ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Prosecution Reopened

In view of the Appeal Brief filed on March 2, 2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) signature as below approves reopening prosecution.


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14-18 are rejected under 35 U.S.C. 101 because applicant claims a computer readable medium which can be a propagation medium such as magnetic, electromagnetic, optical or infrared. Furthermore, applicant states that the computer readable medium could even be paper or another suitable print medium. Applicant is claiming a software program which is not functionally embodied in a computer system such that the software program causes the claimed logical steps to occur. Non-functional descriptive material is not patentable.

Claim Status

Claims 1-18 are pending. Claims 1-18 are rejected as detailed below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 6-9 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No 2003/0018802 issued to Tomanik et al (hereafter Romanik).

Claims 1 and 8:

Romanik discloses::

- a plurality of uniquely-identifiable data capturing devices [Fig 2, clients 205a-205c]

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- a warehouse for receiving and storing at least one set of captured data from each device according to an identity of the device that captured each data set [Fig 2, storage 215, paragraph 49]

Claims 2 and 9:

Romanik discloses wherein said warehouse comprises a naming service for uniquely-naming each data set from a single capture device [paragraph 49]

Claim 4:

Romanik discloses wherein said warehouse comprises a client service for providing access to each of the stored data sets [Fig 2]

Claim 5 and 12:

Romanik discloses wherein said warehouse comprises a registrar for registering each of the data capturing devices to an owner [paragraph 49]

Claim 6 and 11:

Romanik discloses wherein said warehouse means comprises data set synchronizer for synchronizing data sets in the data capturing devices with data sets in the warehouse [paragraph 49]

Claims 7 and 13:

Romanik discloses wherein said data capturing device is a camera [paragraph 8]

Claims 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No. US 2001/0032335 issued to Jones (hereafter Jones).

Claim 14:

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Jones discloses:

- logic that receives at least one set of captured data from each of a plurality of uniquely identifiable data capturing devices [Fig 2]
- logic that stores the received data sets according to an identity of the device

that captured each data set [paragraphs 171, 234, Fig 5, step 53]

- logic for providing direct access to each of the stored data sets via the Internet [Fig 7, item 70]

Claim 15:

Jones discloses logic that uniquely-names each data set from a single capturing device [paragraphs 171, 234, Fig 5, step 53].

Claim 16:

Jones discloses logic that registers each of the data capturing devices to an owner [paragraphs 171, 234]

Claim 17:

Jones discloses logic that synchronizes the received data sets with stored data sets [Fig 10].

Claim 18:

Jones discloses the data capturing devices are selected from the group consisting of cameras [Fig 7, 71]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romanik in view of Pub No US 2003/0110467 issued to Balakrishnan (hereafter Balakrishnan).

Claims 3 and 10:

Romanik discloses the elements of claim 1/8 as noted above but does not disclose wherein said warehouse comprises a mapping service for mapping each data set to a domain of the warehouse corresponding to the device that captured the data set. Balakrishnan discloses wherein said warehouse comprises a mapping service for mapping each data set to a domain of the warehouse corresponding to the device that captured the data set [paragraph 58]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Romanik to include wherein said warehouse comprises a mapping service for mapping each data set to a domain of the warehouse corresponding to the device that captured the data set as taught by Balakrishnan for the purpose of organizing the data in a manner that is transparent to the viewer [paragraph 58].

Response to Arguments

Applicant's arguments filed in Appeal Brief of March 2, 2006 have been considered and found partially persuasive but are now moot based on above new grounds of rejection. Examiner

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has maintained the rejection of claims 14-18 under 35 U.S.C. 102(e) as being anticipated by Jones. Examiner maintains that Jones clearly anticipates the elements of claims 14-18 as detailed in above Office Action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

March 23, 2006